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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,886	01/23/2004	Kathleen M. Frigon	MFCP.110228	6020

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EXAMINER
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WIENER, ERIC A

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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11/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,886	<b>Applicant(s)</b> FRIGON ET AL.	
	<b>Examiner</b> Eric Wiener	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. This action is responsive to the following communications: Amendment filed on 7/13/2009.

**This action is made final.**

2. Claims 1 – 35 are pending. Claims 1, 15, and 28 are the independent claims. Claims 1, 15, and 28 are the amended claims. Claims 1 – 35 have been rejected by the Examiner.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4 – 6, 11, 17 – 19, 21, and 31 each recite the limitation "said selected characteristic." There is insufficient antecedent basis for this limitation in these claims. Therefore, claims 4 – 6, 11, 17 – 19, 21, and 31 are rendered indefinite and are rejected under 35 U.S.C. 112, paragraph two.

Claims 32 recites the limitation "said indication of currently visible groups" and claim 33 recites the limitation "said indication." There is insufficient antecedent basis for these limitations in these claims. Therefore, claims 32 and 33 are rendered indefinite and are rejected under 35 U.S.C. 112, paragraph two.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 – 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiner et al. (US 6,041,331).

**As per independent claim 1**, Weiner discloses *a computer-implemented method for presenting a set of items to a user, the method comprising:*

- *dividing a display screen into at a least a first presentation area, a second presentations area and a third presentation area, wherein said first presentation area, said second presentation area and said third presentation area are visible to the user at the same time* (Figs. 4A – 4C and column 14, line 66 – column 15, line 8);
- *presenting in said third presentation area at least a portion of a set of user-selectable filters* (Figs. 4A – 4C and column 15, line 24 – column 16, line 5);
- *receiving a user input selecting one of said set of user-selectable filters* (column 12, lines 60 – 63 and column 15, line 24 – column 16, line 5);
- *dividing said set of items into one or more groups according to the selected filter* (column 13, lines 9 – 28; column 15, line 24 – column 16, line 5; and column 16, lines 24 – 37);
- *automatically generating one or more group titles for at least a portion of said one or more groups, wherein said one or more group titles indicate at least one keyword*

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- associated with the items in one of said one or more groups (column 9, line 47 – column 10, line 10 and column 13, lines 9 – 28);*
- *presenting, along with at least a portion of said one or more group titles, at least a portion of said set of items in accordance with said groups to the user in said first presentation area (Figs. 4A – 4C and column 15, line 24 – column 16, line 5); and*
  - *presenting a listing of said one or more group titles in said second presentation area (Figs. 4A – 4C and column 14, line 44 – column 15, line 9); and*
  - *indicating in said second presentation area which groups contain one or more items currently visible to the user in said first presentation area (Figs. 4A – 4C; column 14, line 44 – column 15, line 9; and column 15, lines 24 – 46).*

**As per independent claim 15,** Weiner discloses *one or more computer-readable storage media storing a graphical user interface, said graphical user interface comprising:*

- *a filter selection area which displays at least a portion of a set of user-selectable filters, wherein said set of user selectable filters includes one or more primary filters, wherein said filter selection area displays at least a portion of a set of secondary filters incident to user selection of one of said one or more primary filters (Figs. 4A – 4C; column 12, lines 60 – 63; column 15, line 24 – column 16, line 5; and column 16, lines 24 – 37);*
- *an item presentation area which displays at least a portion of a set of items to a user wherein said set of items is presented in one or more groups according to a selected*

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- filter from said set of user-selectable filters (Figs. 4A – 4C; column 14, line 44 – column 15, line 9; column 15, line 24 – column 16, line 5); and*
- *a table of contents area which displays a listing of said groups and which further displays an indicator showing which of said groups contain one or more items currently visible in said item presentation area (Figs. 4A – 4C; column 14, line 44 – column 15, line 9; column 15, lines 24 – 46; and column 16, lines 24 – 37),*
  - *said table of contents area further displaying volume information for each of the groups in said listing, wherein said volume information is presented within the listing (column 14, lines 59 – 63; column 15, lines 19 – 23; and column 16, lines 24 – 37);*
  - *wherein said item presentation area, said filter selection area, and said table of contents area are visible to the user at the same time on a display screen (Figs. 4A – 4D and column 14, line 66 – column 15, line 18).*

**As per independent claim 28,** *Weiner discloses a computer system for presenting a plurality of items to a user, the system comprising:*

- *a filter selection area which displays at least a portion of a set of user-selectable filters (Figs. 4A – 4C; column 15, line 24 – column 16, line 5; and column 16, lines 24 – 37), wherein said set of user selectable filters includes at least one filter enabling filtering based on date of creation (column 11, line 51 and column 12, lines 24 – 53) and includes at least one filter enabling filtering based on keyword (column 15, line 24 – column 16, line 5 and column 16, lines 24 – 37);*

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- *a group title generation component configured to automatically generate one or more group titles for at least a portion of one or more groups of items, wherein said one or more group titles indicate at least one keyword associated with the items in one of said one or more groups (column 9, line 47 – column 10, line 10 and column 13, lines 9 – 28);*
- *an item presentation display which presents at least a portion of a set of items to a user, wherein said set of items is presented in said one or more groups according to a filter selected from said set of user-selectable filters (Figs. 4A – 4C; column 14, line 44 – column 15, line 9; and column 15, line 24 – column 16, line 5); and*
- *a table of contents which provides a listing of said one or more group titles and which indicates which of said one or more groups contain one or more items currently visible in said item presentation display (Figs. 4A – 4C; column 14, line 44 – column 15, line 9; column 15, lines 24 – 46; and column 16, lines 24 – 37);*
- *said table of contents further displaying volume information within said listing for each of the one or more groups (column 14, lines 59 – 63; column 15, lines 19 – 23; and column 16, lines 24 – 37);*
- *wherein said item presentation area, said filter selection area, and said table of contents area are visible to the user at the same time on a display screen ( Figs. 4A – 4D and column 14, line 66 – column 15, line 18).*

**As per claim 2**, and taking into account the rejection of claim 1, Weiner further discloses that *one or more of the presented items are digital images (column 11, lines 47 – 50).*

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**As per claim 3** and taking into account the rejection of claim 2, Weiner further discloses that *at least one of the digital images is a digital photograph* (column 11, lines 47 – 50).

**As per claim 4**, and taking into account the rejection of claim 1, Weiner further discloses that *said selected characteristic is a creation time or other associated date and/or time within a desired interval of time* (column 11, line 51 and column 12, lines 24 – 53).

**As per claim 5**, and taking into account the rejection of claim 1, Weiner further discloses that *said selected characteristic is storage in a desired folder* (column 14, lines 52 – 62).

**As per claim 6**, and taking into account the rejection of claim 1, Weiner further discloses that *said selected characteristic is associated with one or more desired keywords* (column 15, line 24 – column 16, line 5 and column 16, lines 24 – 37).

**As per claim 7**, and taking into account the rejection of claim 1, Weiner further discloses that *the listing of said groups includes information associated with the contents of the groups* (column 14, line 44 – column 15, line 9 and column 15, line 24 – column 16, line 5).

**As per claim 8**, and taking into account the rejection of claim 7, Weiner further discloses that *said information includes date and/or time information* (column 11, line 51 and column 12, lines 24 – 53).

**As per claim 9**, and taking into account the rejection of claim 7, Weiner further discloses that *said information includes storage location information* (column 14, lines 52 – 62).

**As per claim 10**, and taking into account the rejection of claim 7, Weiner further discloses that *said information includes associated keyword information* (column 15, line 24 – column 16, line 5 and column 16, lines 24 – 37).



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**As per claim 11**, and taking into account the rejection of claims 1, Weiner further discloses that *the listings of said groups includes information associated with said selected characteristic* (column 14, line 44 – column 15, line 9 and column 15, line 24 – column 16, line 5).

**As per claim 12**, and taking into account the rejection of claim 1, Weiner further discloses that *indicating which of said groups contain one or more items currently visible to the user includes presenting a visual indicator element with the listing of said groups* (Figs. 4A – 4C; column 14, line 44 – column 15, line 9; and column 15, line 24 – 46).

**As per claims 13, 24, and 34**; and taking into account the rejections of claims 1, 15, and 28; Weiner further discloses *indicating and displaying volume information related to a number of items in at least one group* (column 14, lines 59 – 63; column 15, lines 19 – 23; and column 16, lines 24 – 37).

**As per claims 14, 25, and 35**; and taking into account the rejection of claims 13, 24, and 34; respectively, Weiner further discloses that *indicating volume information includes presenting one or more volume meters with the listing of said groups* (column 14, lines 59 – 63; column 15, lines 19 – 23; and column 16, lines 24 – 37).

**As per claims 16 and 29**, and taking into account the rejection of claims 15 and 28, respectively, Weiner further discloses that *one or more of the presented items are digital images* (column 11, lines 47 – 50).

**As per claim 17** and taking into account the rejection of claims 15, Weiner further discloses that *said selected characteristic is a creation time or other associated date and/or time within a desired interval of time* (column 11, line 51 and column 12, lines 24 – 53).

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**As per claim 18**, and taking into account the rejection of claim 15, Weiner further discloses that *said selected characteristic is storage in a desired folder* (column 14, lines 52 – 62).

**As per claim 19**, and taking into account the rejection of claim 15, Weiner further discloses that *said selected characteristic is association with one or more desired keywords* (column 15, line 24 – column 16, line 5 and column 16, lines 24 – 37).

**As per claims 20 and 30**, and taking into account the rejection of claims 15 and 28, respectively, Weiner further discloses that *the listing of said groups includes information associated with the contents of the groups* (column 15, lines 24 – 46 and column 16, lines 24 – 37).

**As per claims 21 and 31** and taking into account the rejection of claims 15 and 28, respectively, Weiner further discloses that *the listings of said groups includes information associated with said selected characteristic* (column 15, lines 24 – 46 and column 16, lines 24 – 37).

**As per claims 22 and 32** and taking into account the rejection of claims 15 and 28, respectively, Weiner further discloses that *indicating which of said groups contain one or more items currently visible to the user includes presenting a visual indicator element with the listing of said groups* (Figs. 4A – 4C; column 14, line 44 – column 15, line 9; column 15, lines 24 – 46).

**As per claims 23 and 33** and taking into account the rejection of claims 22 and 32, respectively, Weiner further discloses that *said indicator displays the extent to which the groups having currently visible items are presented in the items presentation area* (column 14, line 44 – column 15, line 9; column 15, line 24 – column 16, line 5; and column 16, lines 24 – 37).

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**As per claim 26** and taking into account the rejection of claim 15, Weiner further discloses that *said table of contents area is configured to receive a user input selecting a listing associated with a selected group* (column 14, line 66 – column 15, line 18).

**As per claim 27** and taking into account the rejection of claim 26, Weiner further discloses that *said user input causes at least a portion of the content of said selected group to be displayed in the item presentation area* (column 14, line 66 – column 15, line 18).

### ***Response to Arguments***

7. Applicant's arguments filed on 7/13/2009 have been fully considered, but are moot in view of new grounds of rejection necessitated by amendment.

### ***Conclusion***

8. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

9. ***The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.***

***Cited art of particular note includes, but is not limited to:***

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- *Parulski et al. (US 6,629,104 B1)*
- *Wolff et al. (US 6,833,848 B1)*
- *Anderson (US 6,538,698 B1)*
- *Rubinstein (US 5,721,897)*
- *Anderson et al. (US 6,914,625 B1)*
- *Li et al. (US 5,802,383)*
- *Rosenweig et al. (US 6,950,989 B2)*
- *Misawa et al. (US 2003/0154190 A1)*

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric Wiener/  
Examiner, Art Unit 2179

/Ba Huynh/  
Primary Examiner, Art Unit 2179